

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE TOWN OF  
WARRENTON HELD ON MAY 10, 2005

The regular meeting of the Council of the Town of Warrenton was held on May 10, 2005 in the Town Council Chambers.

Councilmembers present: Vice Mayor David A. Norden, presiding, Councilmen Birge S. Watkins, John V. Albertella, John E. Williams, Dennis M. Sutherland, Terrence L. Nyhous and John S. Lewis, Jr.

Also present: Kenneth L. McLawhon, Town Manager, Whitson Robinson, Town Attorney; and Evelyn J. Weimer, Town Recorder.

The Vice Mayor called the meeting to order and invocation was given by Councilman John E. Williams.

**CITIZENS TIME.**

**Larry Kovalik.**

Mr. Kovalik, 29 Brookshire Drive, came forward to thank the Town for the donated trash bags used by the Citizens for Fauquier County to collect trash along the Route 29 bypass. He indicated that over 50% of the trash collected was recyclable.

**John Kip.**

Mr. Kip, 141 Mosby Circle, expressed his concern with the parking of vehicles over the sidewalks by Jacoby Chrysler Plymouth. He noted that was the only sidewalk which offered citizens access to the Huntsman Town Center shopping center via sidewalk.

**CONSENT AGENDA.**

- a. Approval of the Council minutes of the regular meeting held on April 12, 2005 and adjourned meeting held on April 28, 2005 (to be provided).
- b. Financial statement and staff reports and Board and Commission minutes.
  - (1) Financial statement for period ending April 30, 2005.
  - (2) April statement of accounts paid.
  - (3) Miscellaneous staff reports.
- c. Bond Release – Request for reduction of Letter of Credit #P001190 currently being held as surety for the Warrenton Center Expansion. The original bond was issued March 25, 2004 in the amount of \$235,056.09 and has not been previously reduced. The request is to reduce the LOC to \$124,989.30 or 52.9% of the original amount. The request is consistent with the progress of the construction and public improvements at the development.

- d. Consider closure of streets for the Bluemont Concert Series to occur at Shadowlawn.

Mr. Lewis moved approval of the consent agenda and Mr. Williams seconded the motion.

Mr. Watkins indicated that there was an error in the minutes concerning his recusal from participation in the Liberty Heights application. He stated that he was not an employee of Fairfax Development but an employee of Landmark Communities.

Mr. Watkins moved that the minutes of the April 12, 2005 meeting be corrected to state that where it indicates parenthesis it be corrected to indicate he is an employee of Landmark Communities which also owns the applicant company, Fairfax Development, and Mr. Albertella seconded the motion and on a 7-0 vote of Council, the motion was amended (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

On a motion by Mr. Lewis, seconded by Mr. Williams, Council voted 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis) for the consent agenda, as amended.

## **NEW BUSINESS.**

### Sidewalk Waiver – Subsequent request for waiver of sidewalks on the east side of Holiday Court in the Lineweaver Technology Park, Phase II.

Mr. Christopher Mothersead, Director of Planning and Community Development, stated that the request was originally subdivided as part of a rezoning a number of years ago which resulted in three lots. He indicated that the third lot was being developed by CRES as offices and there had been recent notification that due to changes in topography and site development, the sidewalk on that side would be a difficult, if not impossible, task. He stated that this was the only phase that had sidewalks included which were precipitated by Holiday Inn Express and the tourism traffic that would be there. He also stated that Cannon Properties was requesting the waiver because they are the developers of the subdivision and were doing it on behalf of the owners of lot 3. Mr. Mothersead indicated that there would be a sidewalk on the other side of the street.

The Planning Director stated that staff had reviewed the request and suggested that the stormwater management as well as the topography would be adversely affected and suggested that it would appropriate to waive the sidewalk. He indicated that staff recommended the request favorably.

Mr. Norden stated that Cannon Properties has offered \$8,000 to the Town as a part of the sidewalk waiver which would have covered the cost of installing the sidewalks. He commented that Cannon Properties would offer the funds as seed money for a sidewalk expansion program in the Capital Improvement Program.

Mr. Williams moved approval of the request for waiver of sidewalks on the east side of Holiday Court in the Lineweaver Technology Park, Phase II and Mr. Watkins seconded the motion.

### Ms. Alex Cannon.

Ms. Cannon stated that Cannon Properties was happy to contribute to the fund and noted that Mr. Chipman has included his required amount of street trees on that side of the subdivision. She noted that there were duplicate street trees on the subdivision plan and he has installed them under his bonded improvements and, along with the sidewalk waiver, that she would like it noted that the street

trees requirement on that lot have been met. She asked that it be added into the approval. Mr. Mothersead stated that it was a site plan issue and he could concede to that.

On a vote of 7-0 the motion passed (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

## **UNFINISHED BUSINESS.**

### **a. Ordinances:**

#### **1. Proposed calendar year 2005 tax rates.**

- Ordinance 2005-03, an Ordinance to Establish Tax rates for the Tax Year Beginning January 1, 2005.

On a motion by Mr. Nyhous, seconded by Mr. Williams, Ordinance 2005-03, an Ordinance to Establish Tax Rates for the Tax Year Beginning January 1, 2005 was approved on a vote of 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

Mr. Watkins questioned whether tax rates should start January 1 or July 1, 2005. Mr. McLawhon stated that there were bills to go out in June under the current budget that will reflect the current rate. Mr. Heartley verified that it would apply to the assessed value on January 1, 2005 and would be reflected in the June and December 2005 bills.

- Ordinance 2005-4, an Ordinance to Establish Business, Professional and Occupational License Tax Rates for the Tax Year Beginning June 1, 2005.

On a motion by Mr. Nyhous, seconded by Mr. Sutherland, Ordinance 2005-4, an Ordinance to Establish Business, Professional and Occupational License Tax Rates for the Tax Year Beginning June 1, 2005 was approved on a 7-0 vote (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

#### **2. Proposed Water and Sewer Rates Fiscal Year 2006.**

- Ordinance 2005-5, an Ordinance Amending the Water and Sewer Availability Fees for the Town of Warrenton, Virginia.

On motion by Mr. Nyhous, seconded by Mr. Williams, Ordinance 2005-5, an Ordinance Amending the Water and Sewer Availability Fees for the Town of Warrenton, Virginia was approved on a vote of 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

Mr. Watkins pointed out that the sewer availability rate fees will increase. Mr. Norden noted that they would increase to begin to cover upgrades to the sewage treatment plant.

### **b. Resolutions:**

1. Resolution to increase opening and closing of gravesites.

On a motion by Mr. Nyhous, seconded by Mr. Williams, the resolution to increase costs of opening and closing gravesites was approved on a 7-0 Council vote (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

2. Resolution of the Town of Warrenton Adopting the July 1, 2006 – June 30, 2006 Budget and Making an Annual Appropriation of the Funds Contained Therein.

Mr. Nyhous noted that on page 15 of the package under estimated total costs of budget requirements a parking “deck” title was still listed and it had been agreed that it would be changed to parking “projects.”

Mr. Nyhous moved adoption of the resolution of the Town of Warrenton Adopting the July 1, 2006 – June 30, 2006 Budget and Making an Annual Appropriation of the Funds Contained Therein and Mr. Williams seconded the motion. On a vote of 7-0 the motion passed (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

Mr. Watkins pointed out that there were some organizations/agencies where it said “reduced” but some of the groups have never approached the Town was a contribution. He indicated it was a reduction from their request for funds.

3. Proposed FY 2006-2011 Capital Improvements Program.

Mr. Norden stated that there was a resolution included for approval of the Capital Improvements Program with three itemized changes.

Mr. Nyhous moved adoption of the resolution, Mr. Sutherland seconded the motion and Council passed the motion 7-0 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

4. Resolution authorizing public hearing for additional appropriation of funds for Visitor Center not to exceed \$450,000.

Mr. Watkins moved adoption of the resolution and Mr. Norden seconded the motion.

Mr. Albertella stated that at the last Finance Committee meeting a number of Councilmembers had questions with respect to the bid that was awarded and that he thought staff was to indicate an opinion. The Town Attorney stated that a meeting was held and most of the issues resolved.

Mr. Tucker, Director of Public Works/Utilities, noted that based on the Procurement Act that there was no reason not to award the contract. Mr. Albertella asked if Mr. Tucker felt comfortable with the qualifications of the vendor and Mr. Tucker responded that he had brought it up at the worksession to let Council know that the low bidder was quite a bit lower than everybody else and there might be some problems along the way. He indicated that the low

bidders references had been checked and the contractor was interested in doing the work.

Mr. McLawhon noted that there were “target ranges” set by the federal and state grant program for minority-owned businesses. He also noted it was a minority business and that there was no solid foundation for a bid rejection. He further noted that staff recommended a public hearing be set so it can be considered by the public and the new visitor center can be built utilizing over \$550,000 in TEA-21 federal/state grant funds.

On a vote of 7-0, Council authorized setting a public hearing for additional appropriation of funds for Visitor Center not to exceed \$450,000 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

## **REPORTS AND COMMUNICATIONS.**

- a. Report from Town Attorney.

The Town Attorney indicated he had nothing further to report.

- b. Report from Finance Committee.

Mr. Watkins, Chairman, indicated that the Committee’s work was completed for a while.

- c. Report from the Police Committee.

Mr. Lewis, Chairman, stated there was no report.

- d. Report from the Public Information Committee.

Mr. Albertella, Chairman, noted that he was pleased that Council had approved the Committee’s request for increased funding. He indicated that the newsletter will be published more often and increase in size and that a meeting would be held soon to discuss topics for the next issue. He also indicated that the Committee will work with staff on upgrade to the website as the budget allows.

- e. Report from the Public Works Committee.

Mr. Lewis, Chairman, stated that there was no report.

- f. Report from the Utilities Committee.

Mr. Nyhous stated that there was no report.

- g. Report from Airport Committee.

Mr. Lewis noted that there was no report.

- h. Report from Planning District 9 Representative.

Mr. Albertella, the Town's representative to PD-9, stated that the group had held an affordable workforce housing workshop. He indicated that he had requested that PD-9 consider a movable venue for forums within the region and would like to be in the position of inviting them formally to have one of their forums on the topic in Warrenton.

He stated that the Route 211 corridor study had been completed and Council and staff had copies. He felt it would be a good item for the Transportation Safety Committee to review.

The Manager stated that the budget Council had just adopted had funds for comprehensive plan related work and that perhaps the Transportation Safety Commission should consider transportation as they review the Route 211 corridor study.

Mr. Albertella stated that at the last PD-9 meeting it was noted that TEA-21 grant funds are available for transportation related items and that there are benefits that can accrue to the Town by working closely with the County on joint projects.

i. Report from Transportation Safety Commission.

Mr. Watkins, Chairman, stated that the Committee recommended a reduction in speed limit for Walker Drive. On a motion by Mr. Watkins, seconded by Mr. Albertella, a public hearing on the speed limit reduction was set for June 14, 2005 (for: Norden, Watkins, Albertella, Williams, Sutherland, Nyhous, Lewis).

j. Report from Economic Development Advisory Committee representative.

Mr. Williams noted that there was no report.

k. Report from Recreation Committee.

Mr. Sutherland, Chairman, noted that he and former Councilman Sam Tarr had been escorted to the recreation center site by Mr. Tucker and the fields were leveled. He noted that a Recreation Committee meeting would be held later in the month.

l. Report from Joint Communications Board representative.

Mr. Albertella noted that there was no report.

m. Report from Liaison Committee representative.

Mr. McLawhon noted that the Board of Supervisors was still considering restarting the meetings.

n. Report from the Parking Committee.

Mr. Lewis stated that he was waiting to hear from Fauquier County representatives concerning a visit to Fredericksburg to view the parking garage. He indicated that he, Mr. Watkins and Mr. Tucker had met briefly with a group concerning PPEA. The Town Manager noted that Culpeper would be visited as well.

o. Report from the Town Manager.

Mr. McLawhon reminded Council and those in the audience of the presentation on “Preserving Community Character” scheduled for May 11 at 7 p.m. at Highland School.

#### **COUNCILMEMBERS’ TIME.**

Mr. Watkins pointed out that the Planning Commission had worked very diligently on the Subdivision and Zoning Ordinances, would possibly be sending forth their recommendations to the Council in June or July, and it was hopeful that the matter would be presented to Council in August or September.

Mr. Albertella stated that a meeting had been held on May 9 with the consultant on Eva Walker Park improvements and that he was pleased to see a CIP item for Eva Walker Park of \$65,000.

He thanked Mr. Kovalik and Citizens for Fauquier County for the recent litter pickup and noted that Fauquier County recently announced a plan wherein the landfill staff will conduct daily pickups of litter on Route 29 bypass on a two-person team, one mile north and one mile south of the landfill.

Mr. Sutherland thanked Mr. Kovalik for the litter pickup and noted to Mr. Kip that he was not alone in his concern for Mr. Jacoby parking his vehicles on the sidewalk.

There being no further business, the meeting adjourned at 7:45 p.m.

Evelyn J. Weimer, Town Recorder